



City of Seattle

Gregory J. Nickels, Mayor
Department of Planning and Development
D. M. Sugimura, Director

**CITY OF SEATTLE
ANALYSIS AND DECISION OF THE DIRECTOR
OF THE DEPARTMENT OF PLANNING AND DEVELOPMENT**

Application Number: 2201586
Applicant Name: Celeste Meneses of Peter Stoner Architects
Address of Proposal: 4220 51st Avenue South

SUMMARY OF PROPOSED ACTION

Master Use Permit for future construction of additions to an existing single family residence consisting of a 1,007 sq. ft. basement, 147 sq. ft. to first floor, 590 sq. ft. to second floor, and a 38 sq. ft. porch.

The following approvals are required:

Variance to allow expansion of a non conforming structure.
(SMC Section 23.42.112)

Variance to allow portion of the principal structure to project into the required rear yard.
(SMC 23.44.014 - D3b).

Variance to allow portion of the principal structure to project into the required side yard.
(SMC 23.44.014 – D3c).

Variance to allow a deck greater than 18 inches above grade in the required rear yard.
(SMC 23.44.014 – D).

SEPA DETERMINATION: ☒ Exempt ☐ DNS ☐ MDNS ☐ EIS

☐ DNS with conditions

☐ DNS involving non-exempt grading or demolition or
involving another agency with jurisdiction.

BACKGROUND DATA

Site and Area Description

The approximately 7,235 square foot site is located in a Single Family 7200 (SF 7200) residential zone. The site is located on the east side of 51st Avenue South between South Adams Street and South Genesee Street. The site has 59.99 feet of street frontage along 51st Avenue South. The north property line is 137.29 feet in length. The south property line is 103.93 feet in

length. The east property line is 68.63 feet in length which creates a triangular area at the northeast corner of the property. The east property line abuts Lake Washington Boulevard South which is City of Seattle Parks Department park boulevard. The existing single family structure which is comprised of two stories with a daylight basement is located in the northeastern portion of the lot so that the existing exterior north wall is 1.2 feet from the north property line. The existing east wall is 2.9 feet from the rear property line. An existing 2nd floor deck extends over the rear yard and out over park land. A portion of the site is mapped as being in an environmentally critical area (ECA) because of areas with a slope of greater than 40%.

Development in the Vicinity

The surrounding zone is Single Family 7200 (SF 7200) and the development in the vicinity consists of single family residences which are predominantly one or two stories, with some three story structures. Properties south of the site are developed with two story residences and north of the subject lot, similar development exists, with two and three story residences, which abut Lake Washington Boulevard South. Structures to the west are predominantly one and two story residences. Lake Washington is located to the east of the property across Lake Washington Boulevard South.

Proposal Description

The applicant proposes to elevate the existing residence two (2'-0") feet in order to remodel the existing basement into habitable space. A second story addition and stairs are also proposed but will not require a variance. The existing house footprint remains the same, except the new stairs will be added at the southwest portion of the structure.

Public Comments

The public comment period ended January 28, 2004. No comment letters were received.

ANALYSIS - VARIANCES

Pursuant to SMC 23.40.020 C, variances from the provisions or requirements of this Land Use Code shall be authorized when all the facts and conditions listed below are found to exist. Analysis of the variance requested follows each statement of the required facts and conditions.

- 1. Because of unusual conditions applicable to the subject property, including size, shape, topography, location or surroundings, which were not created by the owner or applicant, the strict application of this Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone or vicinity;***

The unusual conditions in this particular case are the nonconforming location of the existing principal structure within the side yard and rear yard, the location of critical areas in the southwest portion of the lot and the abutment of Parks Department property. The current owner did not create these conditions which resulted prior to the current Land Use, Zoning and Building Code requirements. The existing house was constructed in 1907. In 1911, City of Seattle Ordinance 26273 resulted in the condemnation of the east 10 feet of the subject property and neighboring properties. Within the immediate vicinity, other structures abut the northeastern corners of their lots and have reduced rear yards and also extend over and into the Parks Department property. Also, most structures are two and three stories tall and have decks on the

east sides of the houses to allow for views to Lake Washington. The current owners bought the house in its present condition and have not made any alterations or additions that made it a nonconforming structure. Strict application of the Land Use Code would deprive the property of rights and privileges enjoyed by other properties in the same zone and vicinity due to the conditions described above.

2. ***The requested variance does not go beyond the minimum necessary to afford relief, and does not constitute a grant of special privilege inconsistent with the limitations upon other properties in the vicinity and zone in which the subject property is located;***

The requested variances do not go beyond the minimum necessary to afford relief nor does it constitute a grant of special privilege. The request to lift the house two feet does not increase the extent of the existing structure in the nonconforming rear and side yards. The raising of the house by two feet allows the ground floor to meet homeowner requirements for ceiling height. The existing deck in the required rear yard would also only be raised two feet in height. The area of the deck would not be increased.

JoAnn Cowan, Parks Property Management Supervisor, had reviewed the proposed project and has confirmed that the Parks Department cannot issue a permanent permit for the existing deck to be lifted two feet and remain extended over the Parks Department property. The portion of the deck which extends over the Parks Department property will be required to be removed.

3. ***The granting of the variance will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located;***

The increase in size and bulk of the structure will not exceed the height limit of the zone. It will not block views that would not already be compromised by a code conforming addition, nor will the non-conforming portion of the addition be easily visible from the street. Raising the house rather than constructing an addition to the southern and western portion of the site avoids having to do any large amounts of grading or construction in the mapped environmentally critical areas. The granting of these variances therefore will not be materially detrimental to the public welfare or injurious to the property or improvements in the zone or vicinity in which the subject property is located.

4. ***The literal interpretation and strict application of the applicable provisions or requirements of this Land Use Code would cause undue and unnecessary hardship or practical difficulties;***

The literal interpretation and strict application of the Land Use Code would prohibit the owner from creating a reasonable amount of habitable floor area on the ground floor. The current ground floor level is unfinished. Only 5'9" to 5'10" of clearance exists between the concrete floor and existing beams and mechanical equipment. The low ceiling height makes the ground floor of this house uninhabitable. The existing 2nd floor deck spans the entire width of the east façade of the house. The Land Use Code would prohibit the existing deck in its current location and would not allow it to be lifted along with the rest of the house. Removal of the deck would deprive the owners of a long-standing second floor deck which allows for views to Lake Washington. The practical difficulty was exacerbated by the condemnation action of 1911.

5. *The requested variance would be consistent with the spirit and purpose of the Land Use Code regulations for the area.*

The spirit and purpose of the Land Use Code recognizes flexibility as one of the important goals to allow the residents in single family zones maximum use and enjoyment of their homes. The requested relief is consistent with this goal and does not deviate from the intent to preserve the streetscape character of the residential area, nor deviate from the intent to preserve the pattern of open spaces providing natural light, air and ventilation between single family structures in the neighborhood. Granting the requested variances is consistent with the spirit and purpose of the Land Use Code regulations for the area.

DECISION – VARIANCE:

Variance to allow expansion of a non conforming structure (SMC Section 23.42.112).
GRANTED

Variance to allow portion of the principal structure to project into the required rear yard (SMC 23.44.014 - D3b). **GRANTED**

Variance to allow portion of the principal structure to project into the required side yard (SMC 23.44.014 – D3c). **GRANTED**

Variance to allow a deck greater than 18 inches above grade in the required rear yard (SMC 23.44.014 – D). **GRANTED**

Signature: (signature on file) Date: May 20, 2004
Darlene Edwards, Land Use Planner
Department of Planning and Development